

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re Methyl Tertiary-Butyl Ether
("MTBE") Products Liability Litigation

This document relates to:

City of New York v. Amerada Hess Corp., et
al., No. 04 CV 3417

Master File C.A. No. 1:00-1898

MDL 1358 (SAS)
No. M21-88

DEFENDANT TOTAL PETROCHEMICALS USA, INC.'S
LIST OF TRIAL EXHIBITS

In accordance with Federal Rule of Civil Procedure 26(a)(3) and Case Management Order No. 47, Defendant TOTAL PETROCHEMICALS USA, INC. ("TOTAL") hereby makes the following pre-trial disclosure of exhibits it may elect to offer in the trial of the above-styled cause, depending, in part, on the proof offered at trial by Plaintiff and other Defendants, the Court's rulings on pre-trial motions and evidentiary and other motions made during trial, and on other factors, including the evidence adduced during ongoing depositions. TOTAL anticipates that it may supplement its list with additional exhibits in light of: (1) the extension of the expert discovery cut-off to May 4, 2009; (2) Plaintiff's failure to fully respond to certain discovery requests by Defendants, including Plaintiff's failure to clearly define the scope and nature of its commingled product, market share, punitive damages and other theories in this case; and, (3) the pending depositions of certain experts and fact witnesses. With this filing TOTAL does not waive any rights it may otherwise have to supplement or amend its exhibit list, including in response to any exhibits offered by Plaintiffs or other Defendants, any changes in Plaintiff's or other Defendants' exhibit lists, or facts adduced during ongoing discovery.

TOTAL incorporates into its exhibit list by reference any and all documents and exhibits included on Plaintiff's trial exhibit list or on any other Defendant's trial exhibit list. TOTAL also reserves the right to remove any exhibit(s) from its exhibit list prior to introduction of the exhibit at trial, to elect not to offer any of the exhibit(s) into evidence at trial, and/or to object to the admissibility of any exhibit(s) offered by Plaintiff or another Defendant at trial, regardless of whether the challenged exhibit is on Total's exhibit list.

Dated: April 27, 2009
Houston, Texas

Respectfully submitted,

s/Amy E. Parker
M. Coy Connelly (MC 9384)
Amy E. Parker (AP 7027)

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**ATTORNEYS FOR DEFENDANT
TOTAL PETROCHEMICALS USA, INC.**

LIST OF TRIAL EXHIBITS

No.	Date	Description	Source
1	08/13/1979	Letter from Cleve Forward to Jim Watson	Produced as TOTAL-MDL- 0000555 - TOTAL- MDL-0000558
2	12/18/1984	Letter from Joe Horton to Rene Brown	Produced as TOTAL-MDL- 0004450 - TOTAL- MDL-0004456
3	04/30/1985	Letter from Ken Applegate to W.D. Fulton	Produced as TOTAL-MDL- 0003811
4	10/15/1985	Material Safety Data Sheet #M92, Product: MTBE	Produced as TOTAL-MDL- 0000414 - TOTAL- MDL-0000416
5	04/27/1988	Background summary for the MTBE Health Effects Testing Task Force	Produced as TOTAL-MDL- 0005571 – TOTAL- MDL-0005597
6	03/21/1989	Material Safety Data Sheet #P21, Product- Name: Unleaded Gasoline; hydrocarbon blend	Produced as TOTAL-MDL- 0000657 - TOTAL- MDL-0000658
7	03/21/1989	Material Safety Data Sheet #P21, Product: Unleaded Gasoline (MTBE)	Produced as TOTAL-MDL- 0004582 - TOTAL- MDL-0004584
8	03/31/1989	Material Safety Data Sheet, Premium Unleaded Gasoline containing MTBE	Produced as TOTAL-MDL- 0005700 - TOTAL- MDL-0005705
9	11/14/1990	Letter from L. Douglas Smith to J.G. Jenkins	Produced as TOTAL-MDL- 0003574 – TOTAL- MDL-0003578
10	03/23/1992	Letter from Bill Shelton to Neal Abernathy, et al.	Produced as TOTAL-MDL- 0002058 – TOTAL- MDL-0002059
11	04/27/1992	Letter from Neal Abernathy to Bill Loubiere, et al.	Produced as TOTAL-MDL- 0003398 – TOTAL- MDL-0003407

No.	Date	Description	Source
12	05/01/1992	Letter from Jerome E. Nichols to Oxygenate Team	Produced as TOTAL-MDL-0003398 – TOTAL-MDL-0003407
13	06/01/1992	Letter from Donald Miller to Doris Newton 1992	Admitted as Exhibit 30 during the deposition of Neal Abernathy taken June 6, 2006
14	05/17/1993	Letter from Arthur Wiese, Jr. to the API General Committee on Communications	Produced as TOTAL-MDL-0003086 – TOTAL-MDL-0003095
15	06/30/1994	Press release on renewable fuels	Admitted as Exhibit 43 during the deposition of Rick Charter taken on October 26, 2006
16	03/14/1996	Letter from Bob Hockman to Rick Charter	Admitted as Exhibit 8 during the deposition of Neal Abernathy taken on June 6, 2006
17	03/21/1996	Letter from Bruce Bauman to Ad Hoc MTBE Working Group	Admitted as Exhibit 18 during the deposition of Neal Abernathy taken on June 30, 2006
18	01/00/1997	MTBE Background Paper	Admitted as Exhibit 9 during the deposition of Neal Abernathy taken on June 6, 2006
19	08/21/1997	Material Safety Data Sheet #P121, Product name: Mid Grade UL Gasoline MTBE	Produced as TOTAL-MDL-0000466 - TOTAL-MDL-0000473
20	11/26/1997	Letter from G.W. Frick to the API Health, Environment and Safety General Committee	Produced as TOTAL-MDL-0000272 – TOTAL-MDL-0000284
21	12/12/1997	Material Safety Data Sheet #P122, Trade name: Regular UL Gasoline MTBE	Produced as TOTAL-MDL-0000434 - TOTAL-MDL-0000436

No.	Date	Description	Source
22	12/12/1997	Material Safety Data Sheet #P121, Product name: Mid Grade UL Gasoline MTBE	Produced as TOTAL-MDL-0000463 - TOTAL-MDL-0000465
23	04/10/1998	Fax from API to Downstream Committee Members	Produced as TOTAL-MDL-0001214 - TOTAL-MDL-0001217
24	06/09/1998	Material Safety Data Sheet #P120, Product name: Premium UL Gasoline MTBE	Produced as TOTAL-MDL-0000483 - TOTAL-MDL-0000490
25	08/21/1998	Material Safety Data Sheet #P122, Trade name: Regular UL Gasoline MTBE	Produced as TOTAL-MDL-0000437 - TOTAL-MDL-0000444
26	08/21/1998	Material Safety Data Sheet #P120, Product name: Premium UL Gasoline MTBE	Produced as TOTAL-MDL-0000494 - TOTAL-MDL-0000501
27	09/18/1998	Material Safety Data Sheet #P122, Trade name: Regular UL Gasoline MTBE	Produced as TOTAL-MDL-0000426 - TOTAL-MDL-0000433
28	09/18/1998	Material Safety Data Sheet #P121, Product name: Mid Grade UL Gasoline MTBE	Produced as TOTAL-MDL-0000455 - TOTAL-MDL-0000462
29	12/11/1998	Material Safety Data Sheet #P122, Product name: Regular Unleaded Gasoline with MTBE	Produced as TOTAL-MDL-0000417 - TOTAL-MDL-0000425
30	12/11/1998	Material Safety Data Sheet #P25, Product name: Mid Grade Unleaded Gasoline with MTBE	Produced as TOTAL-MDL-0000445 - TOTAL-MDL-0000454
31	12/11/1998	Material Safety Data Sheet #P120, Product name: Premium Unleaded Gasoline with MTBE	Produced as TOTAL-MDL-0000474 - TOTAL-MDL-0000482
32	12/12/1998	Material Safety Data Sheet #P120, Product name: Premium UL Gasoline MTBE	Produced as TOTAL-MDL-0000491 - TOTAL-MDL-0000493

No.	Date	Description	Source
33	04/25/2000	Letter from E.H. Murphy to Downstream Committee members	Produced as TOTAL-MDL-0000864 – TOTAL-MDL-0000898
34	07/10/2000	Material Safety Data Sheet #P122, Trade Name Regular Unleaded Gasoline with MTBE	Produced as TOTAL-MDL-0000636 - TOTAL-MDL-0000642
35	07/10/2000	Material Safety Data Sheet #P120, Trade Name Premium Unleaded Gasoline with MTBE	Produced as TOTAL-MDL-0000659 - TOTAL-MDL-0000665
36	07/10/2000	Material Safety Data Sheet #P25, Trade Name Mid-Grade Unleaded Gasoline with MTBE	Produced as TOTAL-MDL-0000673 - TOTAL-MDL-0000679
37	07/10/2000	Material Safety Data Sheet #P125, Trade Name High Octane UL Gasoline MTBE	Produced as TOTAL-MDL-0000694 - TOTAL-MDL-0000700
38	07/10/2000	Material Safety Data Sheet, Premium Unleaded Gasoline containing MTBE	Produced as TOTAL-MDL-0007137 - TOTAL-MDL-0007144
39	01/01/2001	Material Safety Data Sheet #P122, Trade Name Regular Unleaded Gasoline with MTBE	Produced as TOTAL-MDL-0000650 - TOTAL-MDL-0000656
40	01/02/2001	Material Safety Data Sheet #P120, Trade Name Premium Unleaded Gasoline with MTBE	Produced as TOTAL-MDL-0000666 - TOTAL-MDL-0000672
41	01/02/2001	Material Safety Data Sheet #P125, Trade Name High Octane UL Gasoline MTBE	Produced as TOTAL-MDL-0000709 - TOTAL-MDL-0000715
42	03/02/2001	Material Safety Data Sheet #P121, Trade Name Mid-Grade Unleaded Gasoline with MTBE	Produced as TOTAL-MDL-0000687 - TOTAL-MDL-0000693
43	05/07/2001	Material Safety Data Sheet #P122, Trade Name Regular Unleaded Gasoline with MTBE	Produced as TOTAL-MDL-0000643 - TOTAL-MDL-0000649

No.	Date	Description	Source
44	05/07/2001	Material Safety Data Sheet #P121, Trade Name Mid-Grade Unleaded Gasoline with MTBE	Produced as TOTAL-MDL-0000680 - TOTAL-MDL-0000686
45	05/07/2001	Material Safety Data Sheet #P125, Trade Name High Octane UL Gasoline MTBE	Produced as TOTAL-MDL-0000701 - TOTAL-MDL-0000708
46	05/07/2001	Material Safety Data Sheet #P29, Trade Name Premium Unleaded Gasoline with Ethanol	Produced as TOTAL-MDL-0007087 - TOTAL-MDL-0007093
47	06/11/2003	Material Safety Data Sheet #M92, Trade Name: Methyl Tert-Butyl Ether	Produced as TOTAL-MDL-0000559 - TOTAL-MDL-0000564
48	06/17/2003	Material Safety Data Sheet #P122, Trade Name Regular Unleaded Gasoline with MTBE	Produced as TOTAL-MDL-0000609 - TOTAL-MDL-0000617
49	07/17/2003	Material Safety Data Sheet #P122, Trade Name Regular Unleaded Gasoline with MTBE	Produced as TOTAL-MDL-0000591 - TOTAL-MDL-0000599
50	01/13/2004	Material Safety Data Sheet #P122, Trade Name Regular Unleaded Gasoline with MTBE	Produced as TOTAL-MDL-0000573 - TOTAL-MDL-0000581
51	10/01/2004	Material Safety Data Sheet #P122, Trade Name Regular Unleaded Gasoline with MTBE	Produced as TOTAL-MDL-0000582 - TOTAL-MDL-0000590
52	10/01/2004	Material Safety Data Sheet #P122, Trade Name Regular Unleaded Gasoline with MTBE	Produced as TOTAL-MDL-0000601 - TOTAL-MDL-0000608
53	10/15/2004	Material Safety Data Sheet #M92, Trade Name Methyl Tert-Butyl Ether (MTBE)	Produced as TOTAL-MDL-0000565 - TOTAL-MDL-0000571
54	01/04/2005	Material Safety Data Sheet #P122, Trade Name Regular Unleaded Gasoline with MTBE	Produced as TOTAL-MDL-0000627 - TOTAL-MDL-0000635

No.	Date	Description	Source
55	04/26/2005	Material Safety Data Sheet #P122, Trade Name Regular Unleaded Gasoline with MTBE	Produced as TOTAL-MDL-0000618 - TOTAL-MDL-0000626
56	01/01/2006	Material Safety Data Sheet #M92, for MTBE	Produced as TOTAL-MDL-0007165 - TOTAL-MDL-0007171
57	08/21/2006	Material Safety Data Sheet for Regular Unleaded Gasoline with MTBE	Produced as TOTAL-MDL-00007 - TOTAL-MDL-00007
58	10/16/2006	Article from TOTAL corporate website	Admitted as Exhibit 38 during the 30(b)(6) deposition of Rick Charter taken on October 26, 2006
59	01/10/2008	Exhibit A to the Affidavit of Kim Arterburn	Motion for Partial Summary Judgment of Total Petrochemicals USA, Inc. filed on January 11/2008 in County of Suffolk and <i>Suffolk County Water Authority v. Amerada Hess Corp., et al.</i> , No. 04-CV-5424
60	01/10/2008	Exhibit A and B to the Affidavit of Tom Knight	Motion for Partial Summary Judgment of Total Petrochemicals USA, Inc. filed on January 11/2008 in County of Suffolk and <i>Suffolk County Water Authority v. Amerada Hess Corp., et al.</i> , No. 04-CV-5424

No.	Date	Description	Source
61	02/13/2009	Expert Report of Doctor Elizabeth M. Bailey for Total Petrochemicals USA, Inc.	Filed on behalf of Total Petrochemicals USA, Inc.
62	03/30/2009	Rebuttal Expert Report of Doctor Elizabeth M. Bailey for Valero Defendants, Ultramar Defendants, Premcor Defendant, and Total Defendant	Filed on behalf of Valero Defendants, Ultramar Defendants, Premcor Defendant, and Total Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant TOTAL PETROCHEMICALS USA, INC.'S List of Trial Exhibits was served upon counsel for Plaintiff and to all other counsel of record via LexisNexis File & Serve on the 27th day of April, 2009.

s/ Amy E. Parker
Amy E. Parker